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**Knowledge
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Mary Bernstein, Director
Office of Drug and Alcohol Policy and Compliance
400 7th Street, SW., Room 10403
Washington DC, 20590
Fax: 202-366-3897

OFFICES:

Dear Ms. Bernstein:

I have been reviewing the proposed rule changes for 49 CFR Part 40. I have been in the drug and alcohol testing industry for approximately 5 years now and I have seen great accomplishments in this field. I really believe that business owners are realizing how important and advantageous it is to promote and strive for a drug free workplace. The proposed new changes I have read are extremely good. These changes needed to be made in order to insure that drug and alcohol testing is effective. I have seen many businesses in my city and state institute drug and alcohol policy for non-DOT employees because they want a drug free workplace and realize the cost of the program can be minimal compared to the cost of employee absences, accidents and theft. I believe that the testing increase with non-DOT employers is largely due to the influence of the DOT testing and procedures and the effectiveness they have had on drug abuse in the workplace.

There is one area in the DOT procedures I still believe should be addressed even further. **Dilute Specimen**

As I understand the regulation at this time, the only consequence for a specimen that is confirmed by the laboratory and the MRO to be a dilute specimen is that a direct observation may be obtained the next time that employee is selected for a random test. This could potentially allow an employee to work for years with a drug problem that goes undiscovered. I believe a **re-collection** immediately following the confirmation from the laboratory and the MRO should be in order. At that time, the employee should be informed that the specimen was confirmed diluted. The employee should be instructed that another collection will be performed immediately and be cautioned against ingesting too much water before the second collection is performed to prevent the second test from coming back diluted. Possible actions taken if the **second** test comes back diluted would be similar to that of follow-up testing. A series of tests conducted by a SAP to insure that an individual, in **all** likelihood, does not have a problem.

The reason I believe this is a real necessity is from my experience as a collector. I have collected samples from individuals that were as clear as water. I have **seen** individuals produce 3 and 4 samples, one after another, that were clear as

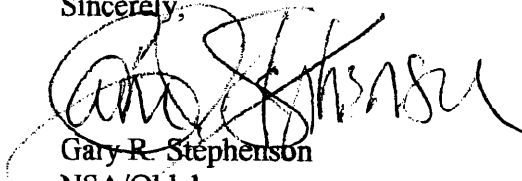
water. One explanation for this is the individual consumed large quantities of liquids to flush their system or dilute their sample. The Internet has numerous companies that sell products claiming to guarantee you to pass a drug test. The majority of all these products instruct the person on how to drink large quantities of fluids to flush their system. There is one sight in particular that might be interesting to you <http://bbs/b/4284/index.cgi>. This is a message board that people e-mail to find out how they can pass a drug test. Most of the responses to these individuals seem to be from one individual that directs them to a site for ordering products to pass a drug test.

If we are going to make sure that drug testing is reliable and instill confidence in the drug testing system to employers, this really needs to be addressed. An individual that produces a diluted sample on the first collection could be understandable. He might not have been aware that too much liquid could produce a diluted specimen. After a confirmed report of a diluted sample, the individual should be made aware of the problem and informed a second collection will be necessary. The second time should be with instruction and monitoring. By having an individual refrain from drinking large quantities of water or any liquid for a second test would not be an undue hardship for one day.

I hope you will consider this. If possible I would really appreciate your thoughts on this matter pro or con. My address is below. My fax number is 405-521-0648.

Thank you for your time and consideration.

Sincerely,



Gary R. Stephenson
NSA/Oklahoma
2244 NW 39th
Oklahoma City, OK 73112

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